

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

KENNETH PHILLIPS, )  
Plaintiff, )  
vs. ) Case No. 1:11CV105 JAR  
MICHAEL J. ASTRUE, )  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant. )

**ORDER**

This matter arises on the Report and Recommendation of United States Magistrate Judge David D. Noce, filed August 22, 2012. See 28 U.S.C. §636. In his report, Magistrate Judge Noce recommends that the Court affirm the decision of the Commissioner of Social Security, and dismiss Plaintiff's Complaint with prejudice. Plaintiff was granted fourteen (14) days to object to the recommendation, but to date has filed no objections.

Upon careful consideration of the Report and Recommendation and the record in this case,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the United States Magistrate Judge [18] is **SUSTAINED, ADOPTED, AND INCORPORATED** herein.

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is **AFFIRMED**, and Plaintiff's Complaint is **DISMISSED** with prejudice. A separate Judgment will accompany this Order.

Dated this 6th day of September, 2012.

  
JOHN A. ROSS  
UNITED STATES DISTRICT JUDGE